

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re: ALABAMA AIRCRAFT  
INDUSTRIES, INC., et al.,  
Debtors.

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THE BOEING COMPANY,  
Appellant,  
v.  
ALABAMA AIRCRAFT INDUSTRIES,  
INC., and KAISER AIRCRAFT  
INDUSTRIES, INC.,  
Appellees.

Civil No. 11-1003 (JEI)

**ORDER DISPOSING OF THE MOTIONS  
CONCERNING MERITS BRIEFING  
SCHEDULE (Docket Nos. 24, 25);  
AND SCHEDULING ORAL ARGUMENT  
ON APPELLEE'S MOTION TO DISMISS  
THE APPEAL**

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**IRENAS**, Senior District Judge:

This matter having appeared before the Court on The Boeing Company's ("Boeing's") Motion to Establish a Briefing Schedule on the Merits of the Appeal (Docket #24) and Kaiser Aircraft Industries, Inc.'s ("Kaiser's") Motion to Suspend Briefing on the Merits until its Motion to Dismiss the Appeal has been decided (Docket #25), the Court having held a teleconference on the record on even date herewith concerning the Motions and other scheduling matters, and with the consent of the parties,

**IT IS** on this 22nd day of December, 2011

**ORDERED THAT:**

- (1) Boeing's opening brief in support of its appeal shall be served and filed on or before January 20, 2012.

- (2) Kaiser's brief in opposition to the appeal shall be served and filed on or before February 24, 2012, unless the Court has not ruled on Kaiser's Motion to Dismiss the Appeal by January 20, 2012. In the event of no ruling by the 20<sup>th</sup> of January, Kaiser's brief will not be due until 30 days after a ruling is issued, unless the ruling completely dismisses the appeal.
- (3) Boeing's reply brief in further support of its appeal, if any, shall be served and filed within 30 days of the service and filing of Kaiser's opposition brief, if opposition is filed.
- (4) Oral argument on Kaiser's Motion to Dismiss the Appeal as Moot shall be held at 2:00 p.m. on Tuesday, January 10, 2012 in Courtroom 1 of the Federal Courthouse and Post Office Building located at 401 Market Street, Camden, New Jersey 08101.

s/ Joseph E. Irenas  
JOSEPH E. IRENAS  
Senior United States District Judge